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| 09/465,198 | 12/15/1999 | NICK J. MAZZARELLA | I | 8604 |

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EXAMINER

LEI, TSULEUN R

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 05/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

16

Office Action Summary

Application No.

09/465,198

Applicant(s)

MAZZARELLA, NICK J.

Examiner

T. Richard Lei

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 15 recites the limitation "the third network element". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1, 3-7, 9, and 11-15 are rejected under 35 U.S.C. 102(b) as anticipated by Farel et al. (U.S. Patent No. 5,067,074)

Regarding Claim 1, Farel teaches a method for controlling messages in a communication system, comprising the steps of sending a message blocking request (response message, Fig.1, 120; also, Col.1, Lines 53-54) from a first network component (the data base, Fig.1, 102; also, Col.1, Line 53) to a second network component (signal transfer point, Fig.1, 103; also, Col.1, Lines 19-23), the message blocking request identifying a third network component (the toll switch, Fig.1, 105; also, Col.1, Line 54); and preventing messages from being communicated from the third network component to the first network component (Col.1, Lines 57-61).

Regarding Claim 3, Farel teaches the method of claim 1, further comprising the step of send a message blocking command to the third network component (Col.1, Lines 57-61).

Regarding Claim 4, Farel teaches the method of claim 3, wherein the step of preventing is performed at the third network component (performed at the toll switch, Col.1, Lines 57-68).

Regarding Claim 5, Farel teaches the method of claim 1, wherein the message blocking request specifies a duration of a

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blocking period (Fig.1, DUR 125 and Col.4, Line 53; Fig.2, DURATION, and Col.1, Lines 57-58).

Regarding Claim 6, Farel teaches the method of claim 1, wherein the message blocking request specifies at least one acceptance interval during a blocking period (Fig.2, and Col.5, Lines 12-14), the acceptance interval being a period during which at least one message may be communicated from the third network component to the first network component (Fig.2, and Col.5, Lines 16-17).

Regarding Claim 7, Farel teaches the method of claim 1, wherein the message blocking request specifies an action to be taken by the third network element (the gap is turned on, Col.5, Lines 6-12) instead of communicating a message from the third network component to the first network component.

Regarding Claim 9, Farel teaches a method for controlling messages in a communication system, comprising the steps of: sending a message blocking request (response message, Fig.1, 120; also, Col.1, Lines 53-54) from a first MSC (the data base as the equivalent of a MSC, Fig.1, 102; also, Col.1, Line 53) to a SCF (signal transfer point as the equivalent of a SCF, Fig.1, 103; also, Col.1, Lines 19-23), the message blocking request identifying a second MSC (the toll switch as the equivalent of a MSC, Fig.1, 105; also, Col.1, Line 54); and preventing messages

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from being communicated from the second MSC to the first MSC (Col.1, Lines 57-61).

Regarding Claim 11, Farel teaches the method of claim 9, further comprising the step of send a message blocking command to the second MSC (Col.1, Lines 57-61).

Regarding Claim 12, Farel teaches the method of claim 11, wherein the step of preventing is performed at the second MSC (performed at the toll switch, Col.1, Lines 57-68).

Regarding Claim 13, Farel teaches the method of claim 9, wherein the message blocking request specifies a duration of a blocking period (Fig.1, DUR 125 and Col.4, Line 53; Fig.2, DURATION, and Col.1, Lines 57-58).

Regarding Claim 14, Farel teaches the method of claim 9, wherein the message blocking request specifies at least one acceptance interval during a blocking period (Fig.2, and Col.5, Lines 12-14), the acceptance interval being a period during which at least one message may be communicated from the second MSC to the first MSC (Fig.2, and Col.5, Lines 16-17).

Regarding Claim 15, Farel teaches the method of claim 9, wherein the message blocking request specifies an action to be taken by the third network element (the gap is turned on, Col.5,

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Lines 6-12) instead of communicating a message from the second MSC to the first MSC.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 8, 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farel et al. in view of Ferguson et al. (U.S. Patent No. 6,266,402 B1).

Regarding Claim 2, Farel shows the signal transfer point (STP) as the second network component in Fig.1, but did not explain in detail the various control functions of the signal transfer point. Ferguson, however, explains the control function of the STP in detail. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include the explanation of the control function of

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the STP in the teaching of Farel so that a better understanding of the traffic overload control mechanism is obtained. Farel as modified by Ferguson teach the method of claim 1, wherein the step of preventing is performed at the second network component (Ferguson, Fig.1; also, Col.3, Lines 4-10).

Regarding Claim 8, Farel as modified by Ferguson teach the method of claim 7, wherein the second network component may modify the action specified in the message blocking request (Ferguson, incorporating a call control message into query responses, Col.4, Lines 5-10).

Regarding Claim 10, Farel as modified by Ferguson teach the method of claim 9, wherein the step of preventing is performed at the SCF (STP as the equivalent of SCF, Ferguson, Fig.1; also, Col.3, Lines 4-10).

Regarding Claim 16, Farel as modified by Ferguson teach the method of claim 15, wherein the SCF may modify the action specified in the message blocking request (Ferguson, incorporating a call control message into query responses, Col.4, Lines 5-10).

Conclusion

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Atai (U.S. Patent No. 5,778,057) teaches a service control point congestion control method.

Hunt (U.S. Patent No. 6,259,776 B1) teaches a system for controlling telecommunication overload traffic.

Murase (U.S. Patent No. 5,703,870) teaches a congestion control method.

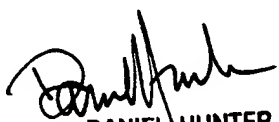
Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. Richard Lei whose telephone number is 703-305-4828. The examiner can normally be reached on 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dan Hunter can be reached on 703-308-6732. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5403 for regular communications and 703-308-5403 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



TRL
May 6, 2002



DANIEL HUNTER
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